

FOR  
THE BILL  
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*gradis* Fair Trade, besides the Heavy Duties it lies under, suffers yet more from the Frauds of Smuglers and the Exactions of Officers, for preventing both which, the BILL before the House is Calculated so that 'tis no wonder if the Private Interests of Clandestine Traders and Officers, should unite, in raising a Clamour against it. *Conclusion*  
9. March. <sup>1699</sup> 1700.

The Clauses whereof are to the Effect following.

1. **T**HAT all Ships under just suspicion of an Irregular Trade, by hovering and remaining unnecessarily near the Shore, should be subject to a Search, and the Master obliged to declare his Consignment.

2. The second Clause subjects all Persons any way aiding or assisting in Smugling, to a Penalty, and also forfeits the Horses or Carriages employed in such Service.

3, 4, 5. The third, fourth, and fifth Clauses require the Making True Entries, with reference to the Countrey, and also the Property of the Goods, under a Penalty, on any Prevarication.

6. The sixth Clause provides for the Security of Goods casually cast on Shore, till the Duties are paid.

7. Brandy in small Casks, or Salt in Bags, to be forfeited, if found on board Ships pretending to be bound to Ireland, or the Neighbouring Islands, as well as if Imported to England.

8. No House to be broken open in Search of Uncustomed Goods, but on fresh Pursuit, or Information upon Oath, and the Informer to have Equal Share with the Officer.

9. All Merchants to be Civilly treated and diligently dispatched, on pain of suspending the Officer who neglects his Duty herein. That is in dispatching due Certificates of Over Entries or Damage; and Post Entries to be avoided as much as is possible.

10. Goods brought to the Ware-house at the Merchants desire, for securing the Duty to be entred in a certain time, or the Ware-house room to be paid for.

**S**UCH Declaration of the Master, is no more than what is already required from all who come into Port, and this Clause will not delay any Ship which duly prosecutes her Voyage, or prevent taking in necessary Supplies.

This was in the French Prohibition Act, and the speedy Conviction, will make it more Effectual, as well as more Useful, to the Poor.

This necessary to prevent Colouring French or Aliens Goods, under other Names; but if the Swearing *Toties Quoties* be objected to, a General Oath may suffice instead of it.

The King's Interest in such Goods, would help to preserve the Subjects Right better than it would be otherwise.

This Clause makes the Smugling more difficult in these Instances, wherein it was before too frequently practised.

'Tis no unusual Practice for Merchants to disturb one another in the same Trade, by whispering Stories to Officers, without any Foundation, which is a great Mischief, when it goes so far as to break into Houses. The other part is for Encouraging Just Informations.

The Fundamental Security to the Revenue arises from the Obligation upon Merchants to enter their Goods before they land them; And all Short Entries under Colour of Damage or any other Pretence whatsoever, subjects so much to Frauds by Collusive Practices with the Officers at the Water-side.

This only to oblige the Merchants to dispatch the Entering their Goods, in order to clear the Kings Ware-house.

11. Wines to be Imported in Certain Cask, on pain of Losing the 12 per Cent. for Leakage, and to be obliged to enter as fill'd up, gauging the Wine if otherwise Imported.

12. Damaged Tobacco to be destroyed, on certain Conditions.

13. No Person to be admitted to Claim any Goods seized, without giving Security to answer Costs of Suit.

14. No Goods to be carried Coast-ways without a Custom-house Dispatch, or Landed, but in presence of an Officer.

15. Fisher Boats, Coal Ships, or other Coast-ing Vessels, taking in any Uncustomed or Prohibited, or Certificat Goods at Sea, without Warrant, shall be forfeited, unless in Cases of absolute necessity.

16. Foreign Goods carried up the Navigable Rivers, shall have Custom-house Dispatches, as if carried from Port to Port.

17. Endorsed Cocquets to be by Actual Endorsement on the first Warrant in all Cases where 'tis practicable.

18. No Bounty to be paid for Corn Exported, without the same Proof which the Law already requires, before the Bond be Cancell'd.

19. No Ship importing any Foreign Goods shall discharge the same into Lighters, but on a Sufferance with Condition to secure a due Entry of all such Goods.

20. Officers to be settled in the Isles of Man, Guernsey, and Jersey, &c. with Authorities to prevent Irregular Trade.

21. and 22. Certain enumerated Goods paying very high Duties, as also all French and Prohibited Goods being seized and condemned to be sold by Inch of Candle; The King to have Two thirds of such Sale, paying the charge of Prosecution, and no Letter of Licence to be granted for Compounding such Seizures.

The Rule in the Book of Rates, which allows Outs, supposes Certain Cask, and the Merchant who had before his Election on the Entry, Whether to Enter fill'd or unfill'd; will have it now on the Importation.

The partiality of Officers in the Allowances for Damage, is a great Discouragement to Fair Trade, which this Clause prevents, as well as prejudice to the Subject, by the Mixing of Unwholsom Tobacco with Sound: and if the like Practice might be used to Unsound Wines, it would probably have the same good Effect every way.

This to prevent Sham-Claims of Persons no way interested in the Property of the Goods.

These Three Clauses necessary to prevent the Frauds usually practised in the Coast Trade.

This saves the Merchant the unnecessary trouble and charge of Two Entries, and secures the Revenue better from double Shipping of Subsidy Goods and Double Debentures for Certificat Goods.

Security being already required for Exporting such Corn, the Reason of the Law holds against paying the Bounty, till such Security be duly discharged by a Certificat of the Actual Exportation.

The unshipping Goods before Entry creates a Forfeiture in Law; And tho' Trade may be accommodated in this Particular, yet the King's Security should not be lessened.

Without such Care those Islands may be made Magazines for Plantation and Prohibited Goods, which will be more easily stolen from thence into England.

The Reason of these Clauses is, that the King's Share by Composition, and even his Moiety of the ordinary Appraisements, comes to less than the Duty on some Goods, which tends to run the Revenue into Forfeiture by Collusive Seizures, wherein the Merchant will find his Account.

23. The Commissioners may compound Petty Seizures only where the Subsidy does not exceed 40 shillings.

24. The Register of Ships hitherto required for such only as trade to the Plantations, to be extended to all *English* Ships trading to any Foreign Parts, in order to preserve the Privileges intended by the Act of Navigation to *English* Ships and *English* Seamen entire to them.

25. Masters of Ships coming from Foreign Parts, tho' pretending to be in Ballast, to make Declaration at the *Custom-house* as well as others.

26, & 30. The Commanders of Men of War and Yachts coming from Foreign Parts, as also Masters of Vessels employed in the Service of the Navy, Victualling, or Transports, to be subject to Declaration and Rules as well as others.

27, 28, 29. The Oaths required from Masters of Ships to be writ down on the Reports Inwards, and the Contents Outwards, to be Signed by the Masters of the Ships, and to be attested by the proper Officers administering the same respectively.

31. A Regular Account of all Seizures to be given from time to time to the Commissioners.

32. All Bonds duly Certified to be Cancelled, and the Certificate to be annexed to the Bond, to justify the Officer in Cancelling the same.

33. Bonds not duly Certified, to be returned regularly into the *Exchequer*, in order to a Prosecution.

34. The Impositions to be accounted for in the *Exchequer* by the Patent-Officers in the Year-Books as well as the Subsidy.

35. Collectors to give in their Quarterly Accounts of Incidents upon Oath, and all Officers to attend diligently at reasonable Hours the Dispatch of Merchants Business.

This always allowed in the Commission of the Custom, as supposing the Goods will not answer the charge of the Prosecution in the *Exchequer*: nevertheless the Practice of it is uneasy to that Court.

This Clause does only pursue the Intention of the Act of Navigation, by encouraging the building of Ships in *England*, and employing of *English* Seamen.

That the Pretence of Ballast may not be a Cover to Fraud, as it proves too often.

This thought to be a necessary Caution, to prevent Opportunities of Smuggling, under Colour of the Publick Service.

The Law already requires the Oath and the making it more solemn, by writing it down to be read and subscribed, before sworn may procure a greater Regard of it.

This necessary to prevent Discharges without the Course of Law.

The present Practice, is to return the Bonds into the *Exchequer* without Cancelling; so that if the Certificate happens to be lost, the Merchant is unreasonably prosecuted.

This no less reasonable than the other, to discourage Irregular Practices.

Those Duties now amounting to more than the Old Subsidy, may deserve as much Care from the Officer in rendering a just Account of them.

The first Part but a reasonable Caution from the Officer, and the other a just Regard to the Accommodation of Trade.

Upon the whole Matter, This Bill is of very Publick Concernment: For as there was in the Year ending at Michaelmas last near 1500000 l. in Money received for Duties at the Custom-house, and applied to the Discharge of the Debt of the Nation, It is plain that a due Collection of these Duties does not only tend to encourage Trade in General, but to ease the Load of every Gentleman in England of so much of that Publick Burthen which must otherwise come upon it. And if there be any one Clause in the whole Bill, which upon due Deliberation shall be found Impracticable or too Rigorous, the Bill being framed as it is by Rules to make it more intelligible in fewer Words, any one of them may be left out without Prejudice to the rest, as having no necessary Dependence on, or Connexion with one another.